

Application No. 10/536,972
AMENDMENT of September 21, 2009
Reply to Office Action of June 19, 2009

Remarks/Arguments

This amendment responds to the Office Action of June 19, 2009, in accordance with 37 C.F.R. § 1.111. Reconsideration of this application is respectfully requested.

Claims 5 through 27 and 105 are pending in the application. Claims 5, 12, and 20 are amended by this response. Claims 1 through 4 were previously canceled, and claims 28 through 104 were previously withdrawn. No new matter is added.

No additional fee is due. If a fee is due, it may be charged to Deposit Account Number 12-1210.

1. Rejection of Claims 5 through 27 and 105 under 35 U.S.C. § 103(a)

The Examiner rejected claims 5 through 27 and 105 under 35 U.S.C. § 103(a) as being unpatentable over Lambrechts (EP 0 389 191 A1) in view of Sonoco (GB 2 210 865 A) and Sieger (DE 39 22 779 A1). The Applicants traverse this rejection and request reconsideration.

Lambrechts discloses a container for transport, storage, and dispensing of beverages comprising an outer container made of plastics and an inner bag of flexible material. To fill the container, a gas or air line is first connected to the boss to produce a counterpressure in the space between the bag and the outer container. A beverage supply line is then connected to the boss. The gas or air counterpressure is adjusted so as to be slightly lower than the pressure of the beverage supply line, so that the beverage flows into the bag at a controlled rate. (See Lambrechts col. 4, lines 21 through 30.)

The Office Action asserts that Lambrechts discloses evacuating the keg of air located between the keg and the bag. (See Office Action p. 3.) However, the citation to Lambrechts

Application No. 10/536,972
AMENDMENT of September 21, 2009
Reply to Office Action of June 19, 2009

provided in the Office Action discusses the open bore in the boss allowing pressure remaining in the gap between the outer container and inner bag to escape after the container has been emptied. Lambrechts does not teach, disclose, or suggest evacuating the keg of air located between the keg and the bag prior to inflating the bag with beer. Neither Sonoco or Sieger compensates for the deficiency of Lambrechts.

The Applicants' invention evacuates the air from between the container and the bag prior to inflating the bag by blowing with an inert gas selected from gasses that do not adversely react with the beverage. (*See* claims 5, 12, and 20.) Contrary to the repeated assertion, positive pressure in one direction is not equivalent to negative pressure in the opposite direction. The maximum pressure differential between the inside and outside of the bag that can be achieved by evacuating the air from between the container and the bag is only one atmosphere, whereas superior pressure differentials can be achieved by introducing pressurized fluid in the bag. When a pressure differential is established between the inside and outside of the bag, the bag will inflate until the pressure differential is balanced by the stresses in the bag's walls. The bag will therefore not inflate as much by evacuating air from around it as it will by introducing a sufficiently pressurized fluid inside it.

During conventional filling, it is possible for air pockets to form between the bag and the container as the bag is filling within the container. In the Applicants' invention, the air is evacuated from between the bag and the container prior to inflating the bag by blowing with an inert gas. This process suppresses the formation of any unvented air pockets between the inflated bag and the container, thereby providing for complete inflation of the bag and reducing local stresses on the outer wall of the bag and risk of bag rupture.

Application No. 10/536,972
AMENDMENT of September 21, 2009
Reply to Office Action of June 19, 2009

The Applicants amended claims 5, 12, and 20 to clarify that evacuating the container of air located between the container and the bag is accomplished prior to inflating the bag by blowing with an inert gas selected from gasses that do not adversely react with the beverage. (Amended claims 5, 12, and 20.) None of the cited references (Lambrechts, Sonoco, or Sieger) teaches or discloses, alone or in combination, applying a gas under pressure into the container against the bag during beverage dispensing to facilitate dispensing of the beverage from the bag.

Accordingly, it is requested that rejection of claims 5 through 27 and 105 under 35 U.S.C. § 103(a) as being unpatentable over Lambrechts in view of Sonoco and Sieger be withdrawn.

2. Rejection of Claims 20 through 27 under 35 U.S.C. § 103(a)

The Examiner rejected claims 20 through 27 under 35 U.S.C. § 103(a) as being unpatentable over Lambrechts (EP 0 389 191 A1) in view of Sonoco (GB 2 210 865 A), Sieger (DE 39 22 779 A1), and U.S. Patent No. 3,527,021 to Pitts. The Applicants traverse this rejection and request reconsideration.

Pitts discloses a packaging apparatus preferably inflating a folded bag by means of vacuum engagement with the exterior to permit entry of an item or items through the mouth into the bag. Additionally, Pitts discloses a means for reciprocating the vacuum engagement means while engaging the bag to free the bag of impediments and thereby release the bag to permit filling of a subsequent bag.

As above, the citation in the Office Action to Lambrechts discusses the open bore in the boss allowing pressure remaining in the gap between the outer container and inner bag to

Application No. 10/536,972
AMENDMENT of September 21, 2009
Reply to Office Action of June 19, 2009

escape after the container has been emptied. Lambrechts does not teach, disclose, or suggest evacuating the container of air located between the container and the bag by applying a vacuum to the container through the first valve prior to inflating the bag by blowing through the second valve with an inert gas selected from gasses that do not adversely react with the beverage as in amended claim 20. The secondary references, Sonoco, Sieger, and Pitts do not compensate for the deficiency of Lambrechts. Claims 21 through 27 are dependent on claim 20.

Accordingly, it is requested that rejection of claims 20 through 27 under 35 U.S.C. § 103(a) as being unpatentable over Lambrechts in view of Sonoco, Sieger and Pitts be withdrawn.

3. Conclusion

In view of the foregoing, it is submitted that this application is now in condition for allowance. Favorable consideration is requested.

Respectfully submitted,



Paul Grandinetti
Registration No. 30,754

21 Sep 2009
Date
LEVY & GRANDINETTI
P.O. Box 18385
Washington, D.C. 20036-8385
(202) 429-4560